

REMARKS

Reconsideration and allowance are requested. Claims 1 - 24 are pending and claims 1 – 11 and 13 – 24 are amended without prejudice or disclaimer to recite that the carrier is a telecommunications carrier.

Rejection of Claims 1-24 Under 35 U.S.C. § 102(e)

The Examiner rejects claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Stewart et al., U.S. Patent No. 6,732,176 (“Stewart”). Applicant respectfully submits that the claims as amended are patentable over Stewart.

Turning first to claim 1, Applicants submit that claim 1 is patentable inasmuch as Stewart fails to teach each claim limitation. Notably, Applicants have amended claim 1 to recite that the carrier is a telecommunications carrier. Without incorporating a specific limitation into the claim 1, Applicants note that an example carrier discussed in the specification is BellSouth. Page 16, line 23. Now, in contrast to the step of receiving a command to initiate network activation procedures with a selected telecommunications carrier, Stewart in each instance cited by the Examiner including column 8, lines 35 – 67, Stewart is discussing data network providers such as Wayport, Mobilestar and Softnet. Col. 7, lines 6 – 7. None of these are telecommunications networks. The Stewart reference is replete with discussion of wireless “access points” and discussions of wireless standards such as IEEE 802.11 for communicating data between the portable device and the data network.

The fact that Stewart’s access ports are for data networks and not telecommunications networks is further supported by the references Stewart does make to phone systems. For example, in column 5, lines 25 - 28 Stewart mentions “The network 130 may also include or be coupled to other types of communications networks, (e.g., other than the Internet) such as the public switched telephone network (PSTN), whereby a user using PCD 110 may send and receive information from/to the PSTN or other communication network through a network

provider.” In other words, the reference here to the PSTN is the context where the user sends and receives data. There is no mention of the user engaging in network activation procedures with a PSTN.

Another reference to a telephone is in column 15, lines 48 – 55 wherein Stewart states “Alternatively, the network 130 may provide various local resources as well as external Internet access which are both available to users having a first access level, and users with a second access level may not be entitled to view or utilize these local network resources on network 130, but may be simply provided some form of external access, such as external telephone access using VoIP or possibly a pathway to the Internet.” Where this is referencing a VoIP service through a network, that application differs from the telecommunications carrier recited in claim 1. The VoIP service is referenced again in column 17, line 7 and column 15, lines 27 (802.11 voice calls). As can be seen, there is ample discussion of data networks and the only reference to any telephone service or voice application is via VoIP, 802.11 or for data transfer. In each of these scenarios, the PCD 110 of Stewart does not engage in network activation with a telecommunications carrier. In other words, Applicants submit that Stewart fails to teach a method of handling network activation between a computer and a telecommunications carrier.

Accordingly, Applicants respectfully submit that claim 1 is now patentable. Dependent claims 2 – 10 are amended to make the reference to a telecommunications carrier consistent. These claims are also patentable.

Similarly, claims 11 and 13 – 24 are amended in the same manner. Therefore, since Stewart is limited to a data network application and does not teach activation with a telecommunications carrier, Applicants respectfully submit that these claims are patentable as well.

CONCLUSION

Having addressed the rejection of claims 1-24, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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